

Approved: SCAO (P&A 101454-1)

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - ReturnSTATE OF MICHIGAN
JUDICIAL DISTRICT
40TH JUDICIAL CIRCUIT
COUNTY PROBATESUMMONS AND COMPLAINT 16 - 0650289 -CK (H)
HONORABLE

CASE NO.

Court address

255 CLAY STREET, LAPEER, MICHIGAN 48446

Court telephone no.

(810) 245-0358

Plaintiff's name(s), address(es), and telephone no(s).

COLLINS ASSET GROUP, LLC,

C/O - PLAINTIFF'S ATTORNEY

Plaintiff's attorney, bar no., address, and telephone no.

POTESTIVO & ASSOCIATES, P.C.

BY: CHANTELE R. NEUMANN (P70569)

251 DIVERSION STREET

ROCHESTER, MICHIGAN 48307

PHONE: (248) 853-4400, EXT. 1157

v

Defendant's name(s), address(es), and telephone no(s).

CHRISTOPHER J. ERICKSON

4628 FISH LAKE ROAD

NORTH BRANCH, MICHIGAN 48461

** DEFENDANT 1 OF 1 **

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued	This summons expires	Court clerk
10-19-16	1-18-17	TJ

This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

COMPLAINT Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.**Family Division Cases**☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.

General Civil Cases☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.

VENUE

Plaintiff(s) residence (include city, township, or village)

CITY OF AUSTIN, STATE OF TEXAS

Defendant(s) residence (include city, township, or village)

CITY OF NORTH BRANCH, STATE OF MICHIGAN

Place where action arose or business conducted

VILLAGE OF ORTONVILLE, COUNTY OF OAKLAND, STATE OF MICHIGAN

Date

10-14-16

Signature of attorney/plaintiff

Chantelle R. Neumann

CHANTELLE R. NEUMANN (P70569)

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

MC 01 (5/15) SUMMONS AND COMPLAINT MCR 2.102(B)(11), MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.113(C)(2)(a), (b), MCR 3.206(A)

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF LAPEER

COLLINS ASSET GROUP, LLC,

Plaintiff,

v.

CHRISTOPHER J. ERICKSON, an individual,

Defendant.

Case No. 16-

16 - 050289 -
-CK (H)

Honorable

NICK O. HOLOWKA

POTESTIVO & ASSOCIATES, P.C.

By: Chantelle R. Neumann (P70569)

Nicholas J. Tatro (P79146)

Brian C. Gurta (P80756)

Attorneys for Plaintiff

251 Diversion Street

Rochester, Michigan 48307

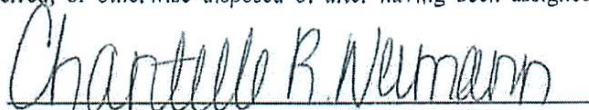
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ntatro@potestivolaw.com

bgurta@potestivolaw.com

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action, nor between these parties, arising out of the same transaction or occurrence as alleged in this Complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this Court.


Chantelle R. Neumann-(P70569)

COMPLAINT

NOW COMES Plaintiff, Collins Asset Group, LLC ("Plaintiff" or "CAG"), by and through its attorneys, Potestivo & Associates, P.C., and for its Complaint against Defendant Christopher J. Erickson ("Defendant"), states as follows:

SUMMARY OF CLAIM

1. Plaintiff brings this suit to collect payment of the outstanding balance of a loan following default on the subject note.
2. Pursuant to the loan documents, the loan was due on the lender's demand if Defendant failed to make payments.
3. Defendant did not cure the default so the loan was accelerated and is still due and owing.

JURISDICTION AND VENUE

4. Plaintiff is a Delaware limited liability company and maintains its *principal office* in the City of Austin, County of Travis, State of Texas.
5. Upon information and belief, Defendant resides at 4628 Fish Lake Road, in the City of North Branch, County of Lapeer, and State of Michigan.
6. Jurisdiction is proper in this Court pursuant to MCL § 600.601.
7. Venue is proper in this Court pursuant to MCL § 600.1621(a) as Defendant resides in the City of North Branch, which is located in the County of Lapeer, and State of Michigan.

GENERAL ALLEGATIONS

8. Plaintiff hereby incorporates by reference each and every allegation contained in Paragraphs 1 through 7 of this Complaint.
9. On December 26, 2006, Defendant executed a Balloon Note ("Note") in favor of non-party Quicken Loans Inc. in the amount of Thirty-Five Thousand Seven Hundred Dollars and 00/100 (\$35,700.00) ("Loan"). (Exhibit 1, Note with Endorsements).

10. Under the Note, Defendant agreed to pay off the Loan in monthly installments, due on the first day of each month beginning on February 1, 2007, with the entire principal balance and all accrued and unpaid interest due and payable on January 1, 2022. (See **Exhibit 1 at ¶3(A)**).

11. Defendant agreed to pay all of the Lender's and its successors and assign's costs and expenses, including reasonable attorneys' fees, incurred in connection with collecting sums under the Note. (**Exhibit 1 at ¶6(E)**).

12. Quickens Loans Inc. transferred the Note to GMAC Bank, who (Ally Bank Corp. f/k/a GMAC Bank) then transferred the Note to Residential Funding Company, LLC, who then transferred the Note to RCS Recovery Services, LLC, who then transferred the Note to Newport Beach Holdings, LLC, who then transferred the Note to Plaintiff on December 20, 2013. (See **Exhibit 1**).

13. Plaintiff, as the holder in due course of the Note, owns and retains all beneficial rights and interests therein; has complete authority to settle, adjust, compromise, and satisfy the Note; and is entitled to enforce the Note in accordance with MCL § 440.3301 with no prior noteholders having a further interest for any purpose.

14. On June 24, 2016, Plaintiff sent a Notice of Intent to Accelerate and Right to Cure to Defendant informing him of his right to cure the default within thirty (30) days, with notice of acceleration if the default was left uncured. (**Exhibit 2, Notice of Intent to Accelerate and Right to Cure**).

15. Plaintiff has waived all accrued delinquent payments past due and owing as of the demand for payment on June 24, 2016.

16. Defendant did not cure the default and, as a result, on August 1, 2016, Plaintiff accelerated all payments in accordance with the terms of the Note. (**Exhibit 3, Notice of Acceleration**).

17. There remains due and owing on the Note \$33,656.15, plus additional fees and costs incurred in bringing this action.

COUNT I
BREACH OF NOTE

18. Plaintiff hereby incorporates by reference each and every allegation contained within Paragraphs 1 through 17 of this Complaint.

19. The Note required Defendant to make monthly payments towards the balance of the Loan on the first day of each month. (See **Exhibit 1 at ¶3(A)**).

20. Under the Note, Defendant defaulted on his payment obligations because he did not pay the full amount of each monthly payment by the date it was due. (See **Exhibit 1 at ¶6(B)**).

21. Upon the default, Plaintiff was entitled to declare the entire unpaid debt to be immediately due and payable. (See **Exhibit 1 at ¶6(C)**).

22. Defendant did not cure the default, so the entire principal balance of the Loan was accelerated and became due and payable in full. (**Exhibits 2 and 3**).

23. The Note was entered into for good and valuable consideration.

24. Plaintiff and its predecessors fully performed their obligations under the Note.

25. Defendant breached the Note by failing to make the required monthly payments and failure to pay off the accelerated principal balance of \$33,656.15, plus additional fees and costs incurred in bringing this action. (See **Exhibits 1-3**).

WHEREFORE, Plaintiff, Collins Asset Group, LLC, hereby respectfully requests that this Honorable Court:

- A. Enter a judgment in its favor and against Defendant, Christopher J. Erickson, in the amount of \$33,656.15, plus interest at the statutory rate per annum from the date of judgment, fees, and costs;
- B. Award all expenses and costs of collection, including attorneys' fees, incurred by Plaintiff in this proceeding in connection with obtaining such relief; and
- C. Grant any and all such further relief as this Court may deem to be fair, just, or equitable.

Respectfully submitted,

POTESTIVO & ASSOCIATES, P.C.

Dated: October 14, 2016

By: Chantelle R. Neumann

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